Supreme Court, U.S.
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OFFICE OF THE CLERK

No.

IN THE SUPREME COURT OF THE UNITED STATES

In re Joseph A. Rodriguez, M.D.
PETITIONER

ON PETITION FOR AN EXTRAORDINARY WRIT OF MANDAMUS TO REVERSE JUDGMENT TO

The United States Court of Appeals for the 11th Circuit

PETITION FOR EXTRAORDINARY WRIT OF MANDAMUS TO REVERSE JUDGMENT

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QUESTION(S) PRESENTED

1. Is it proper for Trial Court to grant Summary Judgment with Discovery outstanding?
2. Does spoliation of Dispositive material evidence, in a Federal lawsuit, warrant judicial sanctions?
3. Does spoliation of evidence in a Judicial Process warrant relief from Summary Judgment?
4. Does the suicide-death of the high-ranking, highly-trusted Director of Operations of the Respondent (five days following an incriminating police investigation for Fraud) warrant pertinent Interrogatories, a reopening of Discovery, and--indeed--a new trial?
5. Does an apparent Conflict of Interest of Respondent's Counsel (who is Petitioner's FORMER Counsel) warrant full disclosure, to the Court, prior to trial? Does this Conflict of Interest merit disqualification of Respondent's Counsel and reversal of Summary Judgment based on FL Bar 4-1.7 & 4-1.9, Case Law, and the Court's Per Se Rule?

LIST OF PARTIES

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject is as follows: Holy Cross Hospital, Inc. & United States of America

Explanation: This matter was initially filed as a Qui Tam Action based on the Federal False Claims Act, i.e. 31 U.S. Code §3730, in which the United States of America and Petitioner were Plaintiff and Plaintiff/Relator, respectively, i.e. co-plaintiffs. The Qui Tam Action was settled among the United States of America, Petitioner, and Defendant for false claims against the United States of America pertaining to 31 U.S. Code §3730 a-g. Claims pertaining to violation of 31 U.S. Code §3730 (h), aka Whistleblower Protection Provision of the Federal False Claims Act, were not settled in the Qui Tam Action nor were claims termed Contractual or Florida State Claims which had been consolidated under the initial Qui Tam Action which was then renumbered and relabeled by the Southern District Court in Miami as if a new Civil Action.

CERTIFICATE OF INTERESTED PERSONS

AND CORPORATE DISCLOSURE STATEMENT

- BROAD AND CASSEL, LAW FIRM FOR DEFENDANT/APPELLEE
- THE HONORABLE BARRY L. GARBER, UNITED STATES MAGISTRATE JUDGE
- THE HONORABLE DONALD L. GRAHAM, UNITED STATES DISTRICT JUDGE
- DAVID A. FREEDMAN, COUNSEL FOR DEFENDANT/APPELLEE
- HOLY CROSS HOSPITAL, INC. d/b/a HOLY CROSS MEDICAL GROUP AND HOLY CROSS HOSPITAL, DEFENDANT/APPELLEE
- LAW FIRM OF GARY E. SHERMAN, P.A.
- JOSEPH A. RODRIGUEZ, M.D., PLAINTIFF/APPELLANT
- GARY E. SHERMAN, COUNSEL FOR PLAINTIFF/APPELLANT
- STEVEN M. PARRISH, COUNSEL FOR DEFENDANT/APPELLEE
- ANDREW RAFKIN, COUNSEL FOR DEFENDANT/APPELLEE

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IN THE

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PETITION FOR EXTRAORDINARY WRIT OF MANDAMUS TO REVERSE JUDGMENT

Petitioner respectfully prays that an Extraordinary Writ of Mandamus issue to reverse judgment below.

OPINIONS BELOW

For cases from federal courts:

The opinion of the United States court of appeals appears at

Appendix A to the petition and is unpublished.